

Senate File 2246 - Reprinted

SENATE FILE 2246

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3205)

(As Amended and Passed by the Senate February 22, 2010)

A BILL FOR

1 An Act relating to the regulation of motor vehicles by the
2 department of transportation, including modification of the
3 definition of business-trade truck, provisions concerning
4 licensing sanctions and penalties for vehicle recyclers
5 and motor vehicle dealers, annual registration fees for
6 certain vehicles equipped for a person with a disability or
7 used by a person who relies on a wheelchair, requirements
8 for the issuance of temporary persons with disabilities
9 parking permits, and provisions for the operation of certain
10 taxicabs and limousines.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, subsection 7A, Code Supplement
2 2009, is amended to read as follows:

3 7A. "*Business-trade truck*" means a model year 2010 or
4 newer motor truck with an unladen weight of ten thousand pounds
5 or less which is owned by a corporation, limited liability
6 company, or partnership or by a person who files a schedule C
7 or schedule F form with the federal internal revenue service
8 and which is eligible for depreciation under § 167 of the
9 Internal Revenue Code. If the motor truck is a leased vehicle,
10 the motor truck is a business-trade truck only if the lessee
11 is a corporation, limited liability company, or partnership
12 and the truck is used primarily for purposes of the business
13 operations of the corporation, limited liability company, or
14 partnership or the lessee is a person who files a schedule C or
15 schedule F form with the federal internal revenue service and
16 the truck is used primarily for purposes of the person's own
17 business or farming operation.

18 Sec. 2. Section 321.109, subsection 1, paragraph b, Code
19 2009, is amended to read as follows:

20 b. The annual registration fee shall be sixty dollars for a
21 ~~vehicle, otherwise subject to paragraph "a",~~ with permanently
22 installed equipment manufactured for and necessary to assist a
23 person with a disability who is either the owner or lessee of
24 the vehicle or a member of the owner's or lessee's household
25 in entry and exit of the vehicle or ~~for such a vehicle~~ if the
26 ~~vehicle's~~ owner or lessee of the vehicle or a member of the
27 ~~vehicle~~ owner's or lessee's household uses a wheelchair as the
28 only means of mobility ~~shall be sixty dollars.~~ This paragraph
29 applies only to vehicles that are otherwise subject to
30 paragraph "a" and to motor trucks with an unladen weight of ten
31 thousand pounds or less that are otherwise subject to section
32 321.122. For purposes of this paragraph, "*uses a wheelchair*"
33 does not include use of a wheelchair due to a temporary injury
34 or medical condition.

35 Sec. 3. Section 321H.3, subsection 4, Code Supplement 2009,

1 is amended to read as follows:

2 4. Storing more than six vehicles not currently registered
3 or storing damaged vehicles except where such storing of
4 damaged vehicles is incidental to the primary purpose of the
5 repair of ~~motor~~ vehicles for others.

6 Sec. 4. Section 321H.6, subsection 3, Code Supplement 2009,
7 is amended to read as follows:

8 3. The licensee has been convicted of a fraudulent practice
9 or any ~~other~~ indictable offense in connection with selling or
10 other activity relating to ~~motor~~ vehicles, in this state or any
11 other state, or has been convicted of three or more violations
12 of section 321.92, subsection 2, or section 321.99.

13 Sec. 5. Section 321H.6, Code Supplement 2009, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 6. The licensee has been determined in a
16 final judgment of a court of competent jurisdiction to have
17 violated section 714.16 in connection with selling or other
18 activity relating to vehicles.

19 Sec. 6. Section 321H.8, subsection 2, Code Supplement 2009,
20 is amended to read as follows:

21 2. A person who has been convicted of a fraudulent practice
22 ~~or~~, has been convicted of three or more violations of section
23 321.92, subsection 2, or section 321.99, or has been convicted
24 of any ~~other~~ indictable offense in connection with selling or
25 other activity relating to ~~motor~~ vehicles, in this state or
26 any other state, shall not for a period of five years from
27 the date of conviction be an owner, salesperson, employee,
28 officer of a corporation, or representative of a ~~licensed~~
29 ~~motor~~ an authorized vehicle recycler or represent themselves
30 as an owner, salesperson, employee, officer of a corporation,
31 or representative of a ~~licensed motor~~ an authorized vehicle
32 recycler.

33 Sec. 7. Section 321L.2, subsection 1, unnumbered paragraph
34 1, Code Supplement 2009, is amended to read as follows:

35 A resident of the state with a disability desiring a persons

1 with disabilities parking permit shall apply to the department
 2 upon an application form furnished by the department providing
 3 the applicant's full legal name, address, date of birth, and
 4 social security number or Iowa driver's license number or
 5 Iowa nonoperator's identification card number, and shall also
 6 provide a statement from a physician licensed under chapter
 7 148 or 149, a physician assistant licensed under chapter
 8 148C, an advanced registered nurse practitioner licensed
 9 under chapter 152, or a chiropractor licensed under chapter
 10 151, or a physician, physician assistant, nurse practitioner,
 11 or chiropractor licensed to practice in a contiguous state,
 12 written on the physician's, physician assistant's, nurse
 13 practitioner's, or chiropractor's stationery, stating the
 14 nature of the applicant's disability and such additional
 15 information as required by rules adopted by the department
 16 under section 321L.8. If the person is applying for a
 17 temporary persons with disabilities parking permit, the
 18 physician's, physician assistant's, nurse practitioner's, or
 19 chiropractor's statement shall state the period of time during
 20 which the person is expected to be disabled and the period
 21 of time for which the permit should be issued, not to exceed
 22 six months. The department may waive the requirement that
 23 the applicant furnish the applicant's social security number,
 24 Iowa driver's license number, or nonoperator's identification
 25 card number when the application for a temporary persons with
 26 disabilities parking permit is made on behalf of a person who
 27 is less than one year old.

28 Sec. 8. Section 322.3, subsection 12, Code Supplement 2009,
 29 is amended to read as follows:

30 12. A person who has been convicted of a fraudulent practice
 31 ~~or~~, has been convicted of three or more violations of section
 32 321.92, subsection 2, or section 321.99, or has been convicted
 33 of any other indictable offense in connection with selling or
 34 other activity relating to motor vehicles, in this state or any
 35 other state, shall not for a period of five years from the date

1 of conviction be an owner, salesperson, employee, officer of
2 a corporation, or representative of a licensed motor vehicle
3 dealer or represent themselves as an owner, salesperson,
4 employee, officer of a corporation, or representative of a
5 licensed motor vehicle dealer.

6 Sec. 9. Section 322.6, subsection 1, paragraph d, Code
7 Supplement 2009, is amended to read as follows:

8 d. The applicant has been convicted of a fraudulent practice
9 or any indictable offense in connection with selling or other
10 activity relating to motor vehicles, in this state or any other
11 state, or has been convicted of three or more violations of
12 section 321.92, subsection 2, or section 321.99.

13 Sec. 10. Section 322.6, subsection 1, paragraph i, Code
14 Supplement 2009, is amended by striking the paragraph and
15 inserting in lieu thereof the following:

16 i. The applicant has been determined in a final judgment
17 of a court of competent jurisdiction to have violated section
18 714.16 in connection with selling or other activity relating to
19 motor vehicles and the department determines that the applicant
20 should not therefore be engaged in the business of selling
21 motor vehicles.

22 Sec. 11. Section 325A.2, subsection 2, Code 2009, is amended
23 to read as follows:

24 2. A local authority, as defined in section 321.1, shall
25 not impose any regulations, including special registration or
26 inspection requirements, upon the operation of motor carriers
27 that are more restrictive than any of the provisions of this
28 chapter, or section 321.449 or 321.450. This subsection does
29 not, however, prohibit a local authority from exercising the
30 home rule power of the local authority to impose additional
31 or more restrictive regulations or requirements upon the
32 operation of taxicabs or limousines engaged in nonfixed route
33 transportation for hire.